

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LANCE DENER,

Plaintiff,

vs.

Civ. No. 12-1308 KG/WPL

WEST BEND MUTUAL INSURANCE
COMPANY, a foreign corporation doing
Business in Wisconsin,

Defendant.

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF IOWA
IN DAVENPORT, IOWA

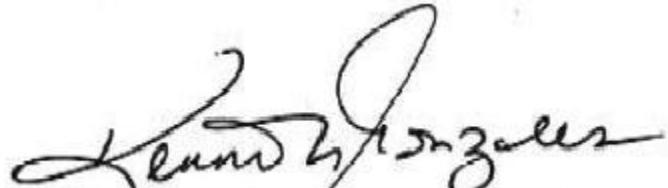
On December 18, 2012, Defendant filed a Motion to Dismiss or, in the Alternative, to Transfer Venue (Doc. 5) (Motion to Dismiss). Defendant moves to dismiss the Complaint for Uninsured/Underinsured Motorist Benefits, Bad Faith Insurance Practices, Unfair Claim Practices, Unfair Trade Practices, Negligence, Negligence *Per Se*, and Breach of Contract (Doc. 1-1) for lack of personal jurisdiction and for improper venue. In the alternative, Defendant moves to transfer this case to the proper venue located in the United States District Court for the Southern District of Iowa in Davenport, Iowa. Plaintiff concedes that this Court cannot exercise personal jurisdiction over Defendant and he does not oppose transferring the case to the United States District Court for the Southern District of Iowa in Davenport, Iowa. *See* Plaintiff's Brief in Opposition to Defendant's Motion to Dismiss [and] Plaintiff's Non-Opposition to Defendant's Motion to Transfer Venue (Doc. 10), filed January 3, 2013. In its Reply in Support of Motion to Dismiss or, in the Alternative, to Transfer Venue (Doc. 11), filed January 16, 2013, Defendant

notes that the parties agree to transferring the case to the United States District Court for the Southern District of Iowa in Davenport, Iowa.

Under 28 U.S.C. § 1406(a), “the district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Since the parties here agree to transferring the case to the proper venue located in the United States District Court for the Southern District of Iowa in Davenport, Iowa, the Court determines that it is in the interest of justice to transfer the case to that district court. The Court will, therefore, grant the Motion to Dismiss to the extent that Defendant seeks to transfer the case to a proper venue.

IT IS ORDERED that:

1. the Motion to Dismiss or, in the Alternative, to Transfer Venue (Doc. 5) is granted; and
2. this case is transferred to the United States District Court for the District of Southern Iowa at Davenport, Iowa.



LEONARD W. JONES
UNITED STATES DISTRICT JUDGE